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P&G Case 7721M

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chky.***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of :
Roger W. Gutwein, et al. : Confirmation No. 9947
Serial No. 09/638,570 : Group Art Unit: 1761
Filed: August 14, 2000 : Examiner: Anthony J. Weier
For: METHODS AND SYSTEMS FOR UTILIZING DELAYED DILUTION, MIXING AND
FILTERING TO PROVIDE CUSTOMIZED VARIETIES OF FRESH-BREWED COFFEE ON
DEMAND

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Dear Sir:

Petitioner, The Procter & Gamble Company, is the owner of the entire right, title and interest in the above-identified application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as shortened by any terminal disclaimer, of co-pending U.S. Patent Application No. 10/833757 filed on April 28, 2004, and U.S. Patent Nos. 6,759,072, filed on August 14, 2000, 6,808,731 filed on August 14, 2000 or 6,726,947 filed on August 14, 2000, each of which is assigned to The Procter & Gamble Company. The evidentiary documents for the assignments have been reviewed, and petitioner certifies that to the best of petitioner's knowledge and belief, title is in the assignee to take this action. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and U.S. Patent Nos. 6,759,072, 6,808,731 and 6,726,947 or U.S. Application No. 10/833757 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of U.S. Patent Nos. 6,759,072, 6,808,731 and 6,726,947 or U.S. Application No. 10/833757, as presently shortened by any terminal disclaimer, in the event that it either later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

PAGE 9/10 * RCVD AT 12/8/2005 10:10:20 AM [Eastern Standard Time] * SVR:USPTO-EFXXRF-6/25 * DNS:2738300 * CSID:5136278118 * DURATION (mm:ss):03:14

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The undersigned is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 CFR § 1.20 (d) for submission of this Terminal Disclaimer. A duplicate copy of this correspondence is enclosed to facilitate charging of the fee.

Respectfully submitted,

By


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December 8, 2005